

1 Sec. X. 13 V.S.A. § 7030 is amended to read:

2 § 7030. SENTENCING ALTERNATIVES

3 (a) In determining which of the following should be ordered, the court shall
4 consider the nature and circumstances of the crime, the history and character of
5 the defendant, the need for treatment, and the risk to self, others, and the
6 community at large presented by the defendant:

7 (1) A deferred sentence pursuant to section 7041 of this title.

8 (2) Referral to a community reparative board pursuant to 28 V.S.A.
9 chapter 12 in the case of an offender who has pled guilty to a nonviolent
10 felony, a nonviolent misdemeanor, or a misdemeanor that does not involve the
11 subject areas prohibited for referral to a community justice center under 24
12 V.S.A. § 1967. Referral to a community reparative board pursuant to this
13 subdivision does not require the court to place the offender on probation. The
14 offender shall return to court for further sentencing if the reparative board does
15 not accept the case or if the offender fails to complete the reparative board
16 program to the satisfaction of the board in a time deemed reasonable by the
17 board.

18 (3) Probation pursuant to 28 V.S.A. § 205.

19 (4) Supervised community sentence pursuant to 28 V.S.A. § 352.

20 (5) Sentence of imprisonment.

1 (6)(A) The prosecuting attorney shall refer to a post-plea adult drug
2 docket or DUI treatment docket an offender:

3 (i) charged with a new criminal offense or a violation of
4 conditions of a probationary sentence, where the offense is associated with a
5 substance use disorder; and

6 (ii) screened with a validated instrument by a treatment docket
7 coordinator as having a high prognostic risk and high criminogenic needs.

8 (B) An offender charged with a crime pursuant to this subdivision (6)
9 of this subsection (a) shall be presumed eligible for participation in a treatment
10 docket unless the prosecutor, after consultation with the victim, states on the
11 record why a referral to the program would not serve the ends of justice
12 because:

13 (i) evidence demonstrates that the individual cannot be managed
14 safely or effectively in a treatment docket; or

15 (ii) adequate treatment is not available to the offender in the
16 treatment docket's jurisdiction.

17 (C) Referrals to determine eligibility may be made by the court,
18 defense counsel or the State within 90 days of arraignment, but a person will
19 not be deemed ineligible if a referral is made after 90 days from arraignment.

20 (D) If an offender is found eligible for a treatment docket pursuant to
21 subdivision (6)(A) of this subsection but a treatment docket is not available in

1 the county of the offense, the court shall consider a motion to transfer venue to
2 a county with a treatment docket.

3 (b) When ordering a sentence of probation, the court may require
4 participation in the Restorative Justice Program established by 28 V.S.A.
5 chapter 12 as a condition of the sentence.